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GOVERNMENT GAZETTE

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SUPPLEMENT

(SUPLEMENTO)

GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Planning and Development Department

ORDER

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Food) published under G. S. R. 1152, dated the 28th June, 1963, in the Gazette of India (Part II Section 3 Sub-Section (i) dated 6th July, 1963) and with the prior concurrence of the Central Government, the Administrator of Goa, Daman and Diu is pleased to make the following Order in supersession of the Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964 published in the Government Gazette no. 8, Series I, dated 20th February 1964, namely:

1. *Short Title, Extent and Commencement* — (1) This Order may be called the Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on 16th May 1964.

2. *Definitions* — In this Order, unless the context otherwise requires,

(a) «dealer» means a person engaged in the business of purchase, sale or storage or sale of any of the foodgrains in quantity of ten quintals or more at any one time, or in quantity of twenty five quintals

or more of all foodgrains taken together, but does not include a person who —

- Makes sales in retail only to consumers;
- Acts as commission agent on behalf of wholesalers or producers on commission but does not actually holds any stocks in the conduct of his business;
- Stores any foodgrains produced by him by personal cultivation; and
- Does not engage in the business of purchase or sale of foodgrains.

(b) «foodgrains» means any one or more of the foodgrains specified in Schedule I to this Order including products of such foodgrains other than husk and bran;

(c) «Form» means a form set forth in Schedule II to this Order;

(d) «Licensing authority» means an officer appointed by the State Government to exercise the powers and perform the duties of the licensing authority under this Order;

(e) «State Government» means the Government of the Union Territory of Goa, Daman and Diu.

3. *Licensing of Dealers* — (1) No person shall carry on business as a dealer except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority.

(2) For the purpose of this clause, any person who stores any foodgrains in quantity of 10 quintals or more of any one of the foodgrains or 25 quintals of all foodgrains taken together at any one time shall, unless the contrary is proved, be deemed to store the foodgrains for the purpose of sale.

4. *Issue of licence* — (1) Every application for a licence or renewal thereof shall be made to the licensing authority in Form «A»

(2) Every licence issued or renewed under this Order shall be in Form «B».

5. *Period of Licence and Fees Chargeable* — Every licence granted under this Order shall be valid for a period ending the 31st December of the year in which it is issued and may be renewed for a period of one year at a time.

(2) The fees specified below shall be chargeable in respect of each licence, namely:

For issue of licence	Rs. 5/-
For renewal of licence	Rs. 2/-
For issue of a duplicate licence	Rs. 10/-

(3) A separate licence shall be obtained by a dealer for each place of business.

6. *Deposit of Security* — Every dealer who at the commencement of this Order holds a valid licence granted under the Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964, shall within two months of such commencement and every person applying for licence after such commencement, shall before his licence is issued to him, deposit with the licensing authority security of the value of Rs. 500/- if his annual turnover is Rs. 30,000/- or more and Rs. 250/- if his annual turnover is less than Rs. 30,000/-, for the due performance of the conditions subject to which the licence is granted to him.

(2) The Security Deposit may be made either in cash, bank guarantee, bonds or certificates endorsed in favour of the licensing authority.

7. *Power to Refuse Licence* — The licensing authority, may, after giving the dealer concerned an opportunity of stating his case and for reasons to be recorded in writing refuse to grant or renew a licence.

8. *Contravention of Conditions of Licence* — No holder of a licence issued under this Order or his agent or servant or any other person acting on his behalf shall contravene any of the terms or conditions of the licence and if any such holder or his agent or servant or any other person acting on his behalf contravenes any of the said terms or conditions, then, without prejudice to any other action that may be taken against him his licence may be cancelled or suspended by order in writing of the licensing authority:

Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

9. *Forfeiture of Security Deposit* — (1) Without prejudice to the provisions of clause 8, if the licensing authority is satisfied that the licensee has contravened any of the conditions of the licence and that a forfeiture of the security deposit is called for, it may, after giving the licensee a reasonable opportunity of stating his case against the forfeiture, by order, forfeit, the whole or any part of the security deposited by him and communicate a copy of the order to the licensee.

(2) The licensee shall, if the amount of security at any time falls short of the amount specified in clause 6 forthwith deposit further security to make up that amount on being required by the licensing authority to do so.

(3) Upon due compliance by the licensee with all obligations, under the licence, the amount of security or such part thereof, which is not forfeited as aforesaid, shall be returned to the licensee after the termination of the licence.

10. *Appeal* — (1) Any person aggrieved by any order of the licensing authority refusing to grant or renew a licence or cancelling or suspending a licence or forfeiting the security deposit by the licensee under the provisions of this Order may appeal to the State Government within 30 days of the date of the receipt by him of such order.

(2) No order shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.

(3) Pending the disposal of an appeal, the State Government may direct that the order refusing to renew a licence or the order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

11. *Power of entry, Search, Seizure etc.* — (1) The licensing authority or any other officer authorized by the State Government in this behalf, may with such assistance, if any, as he thinks fit —

- (a) require the owner, occupier or any other person in charge of any place, premises, vehicle, or vessel in which he has reason to believe that any contravention of the provision of this Order or of the conditions of any licence issued thereunder has been, is being or is about to be committed, to produce any book, accounts or other documents showing transactions relating to such contraventions;
- (b) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this Order or of the conditions of any licence issued thereunder, has been, is being, or is about to be committed;
- (c) take or cause to be taken, extracts from or copies of, any documents showing transactions relating to such contraventions which are produced before him;
- (d) search, seize and remove stocks of foodgrains and the animals, vehicles, vessels or other conveyances used in carrying the said foodgrains in contravention of the provisions of this Order or of the conditions of the licenses issued thereunder and thereafter take or authorize the taking of all measures necessary for securing the production of stocks of foodgrains and the animals, vehicles, vessels or other conveyances so seized in a court and for their safe custody pending such production.

(2) The provisions of sections 102 and 103 of the Code of Criminal Procedure 1898 (V of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

12. *Repeal and Saving* — (1) The Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964 published in Government Gazette (Supplement) no. 8, Series I, dated 20th February, 1964, shall stand repealed except as respects things done or omitted to be done under the Order so repealed.

SCHEDULE I

[See clause 2(b)]

- | | |
|-------------------------|-------------------------------|
| 1. Wheat | 7. Barley |
| 2. Paddy (rice in husk) | 8. Minor millets (e. g. Ragi) |
| 3. Rice (husked) | Kodo) |
| 4. Jowar | 9. Gram |
| 5. Bajra | 10. Milo |
| 6. Mais | 11. Sorghum. |

SCHEDULE III

Form A

[See clause 4 (1)]

The Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964. Application for grant/renewal of licence:

1. Applicant's name.
2. Applicant's profession.
3. Applicant's residence.
4. Situation of applicant's place of business with particulars as to number of house, mohalla, town, or village, police station and district.
5. How long has the applicant been trading in foodgrains?
6. Did the applicant hold a foodgrain licence on any previous occasion.
(If so, give particulars including its suspension or cancellation, if any).
7. Quantities of each foodgrain handled annually during the last three years.
8. Quantity of foodgrains likely to be handled during the current year.
9. Income-tax paid in the two years preceding the year of application (to be indicated separately).

(1) ...

(2) ...

10. (a) Quantity of foodgrains in the possession of the applicant on the date of application. (Separate figure are to be given for each foodgrains).

- (b) Complete address of places where foodgrains are/are proposed to be stored. —

I declare that the quantities of the foodgrain specified above are in my possession this day and are held at the places noted above.

I have carefully read the conditions of licence given in FORM 'B' appended to the Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964, and I agree to abide by them.

- * (a) I have not previously applied for such licence in this District for foodgrains.
- * (b) I applied for such licence in this district for ... on ... and was/was not granted a licence on....
- * (c) I hereby apply for renewal of licence no. ... dated ... issued to me on

Place ...

Date ...

Signature of the applicant

...

* Strike off the clauses not applicable.

Form B

[See clause 4(2)]

The Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964

Licence for purchase, sale/storage for sale of food Licence no.

1. Subject to the provisions of the Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964 and to the terms and conditions of this licence ... is/are hereby authorized to purchase, sell, or store for sale, the undermentioned foodgrains. *

...

...

...

...

2. (a) The licensee shall carry on the aforesaid business at the following place: —

(b) Foodgrains in which the aforesaid business is to be carried on shall not be stored at any place other than any of the godowns mentioned below: —

...

...

Note. — If the licensee intends storing his foodgrains in places other than those specified above, he shall give prior intimation thereof and shall produce the licence for making requisite changes by the licensing authority. If the licensee in some cases finds it difficult to give prior intimation it shall be given within 48 hours of actual occupation of the godowns at places other than those specified in the licence.

3. (i) The licensee shall, except when specially exempted by the State Government or by the licensing authority in this regard, maintain a register of daily accounts for each of the foodgrains mentioned in the paragraph 1, showing correctly.

- (a) the opening stock on each day;
- (b) the quantities received on each day showing the place from where and the source from which received.
- (c) the quantities delivered or otherwise removed on each day showing the places of destination; and
- (d) the closing stock on each day.

(ii) The licensee shall complete his accounts for each day on the day on which they relate, unless prevented by reasonable cause the burden of proving which shall be upon him.

(iii) A licensee who is a producer himself shall separately show the stocks of his own produce in the daily account if such stock are stored in his business premises.

4. The licensee shall except when specially exempted by the State Government or by an officer authorized by the State Government in this behalf, submit to the licensing authority concerned a true return, in form C, of the stock, receipts and deliveries of each of the foodgrains every fortnight (1st to 15th and 16th to the end of the month), so as to reach him within five days after the close of the fortnight.

5. The licensee shall not contravene the provision of the Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964, or any other order relating to foodstuffs issued under the Essential Commodities Act, 1955 (10 of 1955).

6. The licensee shall not contravene the provisions of any law relating to foodstuffs for the time being in force.

7. The licensee shall not, —

(i) enter into any transaction involving the purchase, sale or storage for sale of foodgrains in a speculative manner prejudicial to the maintenance and easy availability of supplies of foodgrains in the market;

(ii) withhold from sale supplies of foodgrains ordinarily kept for sale; or

(iii) charge, in respect of sales of foodgrains made by him, a margin of profit in excess of the rate prevailing the market at the time of sale or at a rate in excess of any maximum rate of margin fixed for wholesale transaction in foodgrains by a representative body of foodgrains dealer for the locality concerned, whichever is less.

8. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list of foodgrains held by him for sale. Such price list shall be legibly written in the principal language of the locality concerned. It shall indicate separately the prices of different varieties of foodgrains.

9. The licensee if he is a wholesaler shall sell foodgrains to wholesalers/retailers (including himself if he also sells in retail) entering their names in the register and in accordance with such directions as the licensing authority or any officer authorized by that authority in this behalf may give from time to time. The register shall be in form D.

(2) A licensed wholesaler is permitted to sell/purchase foodgrains to or from another licensed wholesaler within the State provided that for all wholesale transactions the margin of profit shall not exceed to the rate prevailing at the time.

(3) The licensee if he is a wholesaler is allowed to sell at wholesale rate direct to consumers a bag or more in bulk subject to the condition that a separate register like that of retailers should be kept.

10. The licensee shall issue to every customer a correct receipt or invoice, as the case may be giving his own name, address and licence number, the name, address and licence number (if any) of the customer the date of transaction, the quantity sold, the price per quintal, total amount charged and shall keep a duplicate of the same to be available for inspection on demand by the licensing authority or any officer authorized by it in this behalf.

11. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorized by it or the State Government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the storage, sale or purchase of foodgrains and for the taking of samples of foodgrains for examination.

12. The licensee shall comply with any direction that may be given to him by the State Government in regard to purchase sale and storage for sale, of foodgrains and in regard to the language in which the register, returns, receipts or invoices mentioned in paragraphs 3, 4, 8, 9 or 10 shall be written and the authentication and maintenance or the register mentioned in paragraphs 3 and 9.

13. The licensee shall in a case where he functions in a regulated market abide by such instructions relating to his business as are given by the marketing authority having jurisdiction, and in any other case by such body as may be recognized by the State Government in this behalf.

14. The licensee shall not sell or offer to sell in any locality any foodgrain at a price higher than that fixed, for sale of that foodgrain in such locality by the Central Government or the State Government in pursuance of any power conferred by law.

15. This licence shall be attached to any application for renewal.

16. This licence shall be valid up to 31st December, 196 ...

Place ...

Date ...

(Licensing Authority)

Form C

(For use by a dealer)

(See condition 4 of Form B)

Return of stocks, receipts and sales of foodgrains for the fortnight ending ... 196 ...

Name ...

No. of licence ...

Address ...

Particulars of godowns where stock held ...

Variety of the foodgrains ...

Particulars Quantity in quintals Remarks, if any

1. Stock at the beginning of the fortnight.

(a) actually with the stockist.

(b) pledged with any person or institution such as a bank or Cooperative Society.

Total ...

2. (a) Quantity purchased during the fortnight and the source of supply.

(b) Average price paid.

Total quantity purchased

3. (a) quantity sold and delivered/removed to wholesaler/retailer during the fortnight.

(b) quantity sold but not yet delivered.

(c) average price realized/charged.

Total sold ...

4. Stock at the end of the fortnight.

(a) actually with the stockist.

(i) unsold.

(ii) sold but awaiting delivery.

(b) pledged with any person or institution such as bank or a Cooperative Society.

Total ...

5. Details of average margin in respect of stock of each of the foodgrains sold during the quarter ending.

(i) Rice.

(a) Handling.

(b) Transport.

(c) ...

(d) ...

(e) average margin of profit.

(ii) Wheat.

(a) Handling.

(b) Transport.

(c) ...

(d) ...

(e) average margin of profit.

Note:— (1) Information in respect of item 2(a) should refer only the market/s and the quantity purchased from each market. The name of supplying dealers will have to be indicated in case the quantity purchased to each such dealer is of 200 quintals or more.

(2) Information in respect of items 2(b), 3(c) and 5 shall be furnished by the licensee for each of the quarters ending 31st March, 30th June, 30th September and 31st December of every year. This information shall be included in the return form relating to the second fortnight of the month following the end of respective quarter.

To

1. Licensing Authority.

Place ...

District.

Date ...

Signature

Licence no. ...

Form D

(See condition 9 of Form B)

Register of Retailers

1. Name of the Licensee.

2. Address.

3. Licence number.

Serial number of registration

Name and address of retailer

(1)

(2)

THE LIEUTENANT GOVERNOR

M. R. Sachdev

Panjim, 15th May, 1964.

ORDER

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the notification of the Government of India in the Ministry of Food and Agriculture (Department of Food) published under G. S. R. 1152, dated the 28th June, 1963, in Gazette of India (Part II Section 3 Sub-section (i) dated 6th July, 1963) and with the prior concurrence of the Central Government, the Administrator of Goa, Daman and Diu is pleased to make the following Order, namely:—

1. *Short Title, Extent and Commencement.*—(1) This Order may be called The Goa, Daman and Diu Foodgrains Retail Dealers Licensing Order, 1964.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on 16th May 1964.

2. *Definitions.*—In this Order, unless the context otherwise required,

(a) «foodgrains» means any one or more of the foodgrains specified in Schedule I to the Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964;

(b) «Form» means a form set forth in Schedule II to the aforesaid Order.

(c) «licensing authority» means an officer appointed by the State Government to exercise the powers and perform the duties of the licensing authority under the aforesaid Order;

(d) «retail dealer» means a person who makes sales in retail only to consumers; and

(e) «State Government» means the Government of the Union Territories of Goa, Daman and Diu.

3. *Licensing of Retail Dealers:*—No person shall carry on business as a retail dealer of any foodgrains except under and in accordance with the terms and conditions of a licence issued in this behalf by the licensing authority.

4. *Issue of licence.*—(1) Every application for a licence or renewal thereof shall be made to the licensing authority in Form «A» in the schedule II to the Goa, Daman and Diu Foodgrains Dealers Licensing Order, 1964.

(2) Every licence issued or renewed under this Order shall be in Form annexed to this Order.

5. *Period of Licence and Fees Chargeable.*—(1) Every licence granted under this Order shall be valid for a period ending the 31st December of the year in which it is issued and may be renewed for a period of one year at a time.

(2) The fees specified below shall be chargeable in respect of each licence, namely:—

For issue of licence	Rs. 5/-
For renewal of licence	Rs. 2/-
For issue of a duplicate licence	Rs. 10/-

(3) A separate licence shall be obtained by a retail dealer for each place of business.

6. *Power to Refuse Licence.*—The licensing authority may, after giving the retail dealer concerned an opportunity of stating his case and for reasons to be recorded in writing refuse to grant or renew a licence.

7. *Contravention of Conditions of Licence.*—No holder of a licence issued under this Order or his agent or servant or any other person acting on his behalf shall contravene any of the terms or conditions of the licence and if any such holders or his agent or servant or any other person acting on his behalf contravenes any of the said terms or conditions, then, without prejudice to any other action that may be taken against him, his licence may be cancelled or suspended by order in writing of the licensing authority:

Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension.

8. *Appeal.*—(1) Any person aggrieved by any order of the licensing authority refusing to grant or renew a licence or cancelling or suspending a licence under the provisions of this Order may appeal to the State Government within 30 days of the date of the receipt by him of such order.

(2) No order shall be made under this clause unless the aggrieved person has been given a reasonable opportunity of stating his case.

(3) Pending the disposal of an appeal, the State Government may direct that the order refusing to renew a licence or the order cancelling or suspending a licence shall not take effect until the appeal is disposed of.

9. *Power of entry, Search, Seizure, etc.*—(1) The licensing authority or any other officer authorized by the State Government in this behalf, may with such assistance, if any, as he thinks fit.

- (a) require the owner, occupier or any other person in charge of any place, premises, vehicle, or vessel in which he has reason to believe that any contravention of the provision of this Order or of the conditions of any licence issued thereunder has been, is being or is about to be committed, to produce any book, accounts or other documents showing transactions relating to such contraventions;
- (b) enter, inspect or break open and search any place or premises, vehicle or vessel in which he has reason to believe that any contravention of the provision of this Order or of the conditions of any licence issued thereunder, has been, is being, or is about to be committed;
- (c) take or cause to be taken, extracts from or copies of any documents showing transactions relating to such contraventions which are produced before him;
- (d) search, seize and remove stocks of foodgrains and the animals, vehicles, vessels or other conveyances used in carrying the said foodgrains in contravention of the provisions of this Order, or of the conditions, of the licences issued thereunder and thereafter take or authorize the taking of all measures necessary for securing the production of stocks of foodgrains and the animals, vehicles, vessels or other conveyances so seized in a court and for their safe custody pending such production.

(2) The provisions of section 102 and 103 of the Code of Criminal Procedure 1898 (V of 1898), relating to search and seizure shall, so far as may be, apply to searches and seizures under this clause.

LICENCE FORM

[See clause 4 (2)]

The Goa, Daman and Diu Foodgrains Retail Dealers Licensing Order, 1964.

Licence for purchase, sale/storage for sale of foodgrains.
Licence No. ...

1. Subject to the provisions of the Goa, Daman and Diu Foodgrains Retail Dealers Licensing Order, 1964 and to the terms and conditions of this licence... is/are hereby authorised to purchase, sell or store for retail sale, the under-mentioned foodgrains:

...
...

2. The licensee shall carry on the aforesaid business at the following place:—

...

3. The licensee shall submit to the licensing authority a monthly return indicating (separate figures are to be given for each foodgrain):

- (a) The opening stock;
- (b) The quantity purchased during the month;
- (c) The source of supply;
- (d) The quantity sold during the month; and
- (e) The closing stock at the end of the month.

4. The licensed retail dealer shall purchase his requirements of foodgrains for resale only from the licensed wholesale dealers or producers within this territory.

5. The licensee shall not contravene the provisions of the Goa, Daman and Diu Foodgrains Retail Dealers Licensing Order, 1964 or any other Order relating to foodstuffs issued under the Essential Commodities Act, 1955 (10 of 1955).

6. The licensee shall not contravene the provisions of any law relating to foodstuffs for the time being in force.

7. The licensee shall not. —

- (i) enter into any transaction involving purchase, sale or storage for sale of foodgrains in a speculative manner prejudicial to the maintenance and easy availability of supplies of foodgrains in the market;
- (ii) Withheld from sale supplies of foodgrains ordinarily kept for resale; or
- (iii) charge, in respect of sales of foodgrains made by him, a margin of profit in excess of the rate prevailing in the market at the time of sale or at a rate in excess of any maximum rate of margin fixed for retail sale transactions in foodgrains by a representative body of foodgrains dealers for the locality concerned, whichever is less.

8. The licensee shall exhibit at the entrance or some other prominent place of his business premises, the price list of foodgrains held by him for sale. Such price list shall be legibly written in the principal language of the locality concerned. It shall indicate separately the prices of different varieties of food-grains.

9. The licensee shall give all facilities at all reasonable times to the licensing authority or any officer authorised by it or the State Government for the inspection of his stocks at any shop, godown or other place used by him for the storage, sale or purchase of foodgrains and for the taking of samples of foodgrains for examination.

10. The licensee shall in a case where he functions in a regulated market abide by such instructions relating to his business as are given by the marketing authority having jurisdiction, and in any other case by such body as may be recognized by the State Government in this behalf.

11. The licensee shall not sell or offer to sell in any locality any foodgrain at a price higher than that fixed, for resale of that foodgrain in such locality, by the Central Government or the State Government in pursuance of any power conferred by law.

12. This licence shall be attached to any application for renewal.

13. The licence shall be valid up to 31st December, 196...

Place ...

Date ...

(Licensing Authority)

THE LIEUTENANT GOVERNOR

M. R. Sachdev

Panjim, 15th May, 1964.